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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,044	09/05/2003	Peter Rae Shintani	50M2824.02	8484

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ROGITZ & ASSOCIATES
750 B STREET
SUITE 3120
SAN DIEGO, CA 92101

EXAMINER

MONTOYA, OSCHTA I

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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06/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/656,044	Applicant(s) SHINTANI ET AL.	
	Examiner Oshta Montoya	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6, 24-31, and 37-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 24-31, 37 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-3, 5-6, 24-31, and 37-38 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 5, 24-29, 31, and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lownes, US 6,369,861 in view of Park et al., US 6,084,645.

Regarding claim 1, Lownes discloses an input device for selecting a channel in a digital television (figure 3, Col. 6, lines 20-21), comprising:

a keypad including a plurality of number keys for inputting respective numbers (Col. 6, line 22, figure 3); and

a delimiter key for inputting a delimiter (Col.6, line 23, figure 3), where a channel is indicated by a major and minor channel number sequence which includes a major channel number input through one or more number keys of the keypad, a delimiter input through the delimiter key, and a minor channel number input through one or more number keys of the keypad (Col. 7, lines 5-9),

an enter key (figure 3, Col. 6, lines 23)

Although, Lowness discloses a delimiter (enter key, Col.6, lines 23) he fails to say that the delimiter is other than the enter key.

In an analogous art, Park teaches wherein the delimiter is a non-alphanumeric symbol not entered by the enter key (the dot, Col. 3, lines 44-53).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Lownes' input device to include other than the enter key as the delimiter key, as taught by Park. The motivation would have been to give the user a distinctive key for the delimiter key.

Regarding claim 2, Lownes and Park teach the input device of claim 1. Park further teaches where the delimiter is a dot (Col. 3, lines 44-53).

Regarding claim 5, Lownes and Park disclose the input device of claim 1. Lownes further teaches a channel command key for selecting a sequentially adjacent channel (figure 3, Col.6, lines 23-24)

Regarding claim 24, Lownes discloses a method for selecting a channel in a digital television, comprising:
receiving a major and minor channel number sequence, including a major channel number, a delimiter, and a minor channel number, where the delimiter separates the major channel number and the minor channel number (Col. 7, lines 5-9);

identifying a physical channel which corresponds to the major and minor channel number sequence by accessing a channel look up table (Col. 7, lines 22-24), where the channel look up table includes correspondences between major and minor channel number sequences and physical channels (Col. 2, lines 60-65); identifying a virtual channel table which corresponds to the physical channel (Col. 7, lines 24-25), where the virtual channel table indicates a virtual channel which corresponds to the major and minor channel number sequence (Col. 2, lines 60-65)

Although, Lownes teaches a delimiter, he fails to teach that the delimiter is other than the enter key.

In an analogous art, Park teaches the delimiter being entered by means other than an "enter" key and being a non-alphanumeric symbol (Col. 3, lines 44-53).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Lownes' system to include other than the enter key as the delimiter key, as taught by Park. The motivation would have been to give the user a distinctive key for the delimiter key.

Regarding claim 25, Lowness and Park teach the method of claim 24. Lownes further teaches tuning to the physical channel to receive a signal carried on the physical channel; and decoding the virtual channel from the tuned signal (figure 6, Col. 7, lines 25-28).

Regarding claim 26, Lownes and Park teach the method of claim 25. Lownes further teaches where the virtual channel table indicates one or more packet identifiers which correspond to the virtual channel, and decoding the virtual channel further comprises using the indicated packet identifiers (Col. 7, lines 28-38).

Regarding claim 27, Lownes and Park teach the method of claim 24. Lownes further teaches where the major and minor channel number sequence is generated by deriving a major and minor channel number sequence corresponding to a sequentially adjacent channel relative to a currently decoded virtual channel (Col. 7, lines 62-67, figs. 7).

Regarding claim 28, Lowness and Park teach the method of claim 24. Lownes further teaches where the major and minor channel number sequence is generated by deriving a major and minor channel number sequence corresponding to a sequentially adjacent channel relative to a currently tuned physical channel (Col. 8, lines 19-25, fig. 8).

Regarding claim 29, Lownes teaches a method for selecting a channel in a digital television, comprising: inputting a major channel number which indicates a frequency band; inputting a channel selection which, in combination with the major channel number, indicates a channel associated with the major channel number (Col. 7, lines 5-

10), and inputting a delimiter between the major channel number and the channel selection (Col. 7, lines 5-10).

Lownes fails to teach where the delimiter is a dot.

In an analogous art, Park teaches where the delimiter is a dot (Col. 3, lines 44-53)

Therefore, it would have been obvious to one of ordinary skill in the art to modify Lownes' method to include the delimiter as a dot, as taught by Park. The motivation would have been to give the user a distinctive key for the delimiter key.

Regarding claim 31, Lownes and Park disclose the method of claim 29. Lownes further teaches inputting a channel selection comprises inputting a minor channel number (Col. 7, lines 5-10).

Regarding claim 37, Lownes discloses a system for selecting a channel in a digital television, comprising:
means for receiving a major and minor channel number sequence, including a major channel number, a delimiter, and a minor channel number, where the delimiter separates the major channel number and the minor channel number (Col. 7, lines 5-9);
means for identifying a physical channel which corresponds to the major and minor channel number sequence by accessing a channel look up table (Col. 7, lines 22-24), where the channel look up table includes correspondences between major and minor channel number sequences and physical channels (Col. 2, lines 60-65); and

means for identifying a virtual channel table which corresponds to the physical channel (Col. 7, lines 24-25), where the virtual channel table indicates a virtual channel which corresponds to the major and minor channel number sequence (Col. 2, lines 60-65).

Although, Lowness discloses a delimiter (enter key, Col.6, lines 23) he fails to say that the delimiter is other than the enter key.

In an analogous art, Park teaches wherein the means for inputting a delimiter is not an "enter" key of a keypad (the dot, Col. 3, lines 44-53).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Lownes' system to include other than the enter key as the delimiter key, as taught by Park. The motivation would have been to give the user a distinctive key for the delimiter key.

Regarding claim 38, Lownes and Park disclose the method of claim 37. Lownes further teaches means for tuning to the physical channel to receive a signal carried on the physical channel; and means for decoding the virtual channel from the tuned signal (figure 6, Col. 7, lines 25-28).

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lownes, US 6,369,861 in view of Park et al., US 6,084,645 and further in view of Reiter et al., US 4,751,578.

Regarding claim 3, Lownes and Park teach the input device of claim 1.

Lowness and Park fail to teach where the keypad includes at least one key which can be used to input a letter.

In an analogous art, Reiter teaches where the keypad includes at least one key which can be used to input a letter (Col. 7, lines 40-50).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Lownes and Park's input device to include at least one key which can be used to input a letter, as taught by Reiter. The motivation would have been to give the user another way of selecting channels.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lownes, US 6,369,861 in view of Park et al., US 6,084,645 and further in view of Yu et al., US 5,831,555.

Regarding claim 6, Lownes and Park disclose the input device of claim 1.

Lownes and Park fail to teach that the input device comprises a second keypad, where the first keypad is for inputting a major channel number and the second keypad is for inputting a minor channel number, wherein both keypads are disposed on a portable remote control device.

In an analogous art, Yu teaches a remote control with double keypad (figures 5A and 5B, Col. 5, lines 22-30).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Lownes and Park's input device to include a double keypad, as taught by Yu. The motivation would have been to give the user other options when selecting channels.

6. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lownes, US 6,369,861 in view of Park et al., US 6,084,645 and further in view of Ozkan et al., US 6,111,611.

Regarding claim 30, Lownes and park disclose the method of claim 29.

Lownes and Park fail to teach where inputting a channel selection comprises selecting a channel from a list displayed in a menu, where the menu lists one or more channels associated with the major channel number.

In an analogous art, Ozkan teaches that the user can select a channel from a menu in order to receive a desired program (Col.3, lines 30-33).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Lownes and Park's method to include the capability of choosing a channel from a menu list in order to receive a desired program, as taught by Ozkan. The motivation would have been to give the user a more user-friendly way of selecting a channel.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

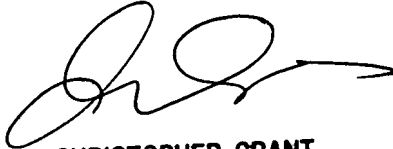
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oschta Montoya whose telephone number is (571) 270-1192. The examiner can normally be reached on Monday/Friday 7:30 to 5:00 off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.




CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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